

Senate Resolution 829

By: Senators Hill of the 32nd, Hawkins of the 49th, Shafer of the 48th, Carter of the 1st, Grant of the 25th and others

A RESOLUTION

1 Urging the Attorney General of Georgia to begin preparations to challenge the
2 constitutionality of H.R. 3590, the federal "Patient Protection and Affordable Care Act"; and
3 for other purposes.

4 WHEREAS, recently, the United States Senate passed H.R. 3590, the "Patient Protection and
5 Affordable Care Act"; and

6 WHEREAS, H.R. 3590 expands citizens' eligibility to receive Medicaid services if they earn
7 less than 133 percent of the federal poverty level; and

8 WHEREAS, in Georgia alone, this expansion of Medicaid is estimated by the Georgia Senate
9 Budget Office to add \$1 billion to state health care entitlement costs every year; and

10 WHEREAS, the impact of H.R. 3590 on Georgians is enormously costly and could be a risk
11 to maintaining many essential state programs; and

12 WHEREAS, in order to obtain the 60 votes required to send the legislation to the Senate
13 floor for a vote and final passage, the United States Senate leadership included an
14 unprecedented special exemption called the Nebraska Compromise to obtain Senator Ben
15 Nelson of Nebraska's key 60th vote to pass the bill; and

16 WHEREAS, the Nebraska Compromise guaranteed Nebraskans that they would never have
17 to pay for their citizens' expanded access to Medicaid benefits included in H.R. 3590; and

18 WHEREAS, the Nebraska Compromise violates the principle that federal legislation must
19 have a legitimate national interest and cannot benefit any one state over another; and

20 WHEREAS, this transfer of wealth to and on behalf of the people of Nebraska also violates
21 the principles of fairness and equality contained in the United States Constitution and is a
22 taking of other Americans' property without just compensation; and

23 WHEREAS, H.R. 3590 also creates a federal mandate requiring all Americans to participate
24 in one national health insurance program; and

25 WHEREAS, this unprecedented Congressional mandate threatens our individual liberty and
26 many legal experts believe that this federal mandate is unconstitutional; and

27 WHEREAS, the members of this body realize that Georgia does not yet have standing to sue
28 until President Obama signs H.R. 3590 into law; however, in light of the questionable
29 validity of this legislation and its potential negative effects on the budget of the State of
30 Georgia, it would be prudent to begin preparations now for a potential legal action
31 challenging this legislation should it become law by completing the necessary legal research
32 and preparing to join with what is reported to be at this time over a dozen other states to
33 challenge the constitutionality of this bill.

34 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body
35 respectfully request the Attorney General of the State of Georgia to initiate a formal
36 investigation into the constitutionality of the special exemption set forth in the United States
37 Senate's version of this national health care legislation and explore the availability of all other
38 legal challenges that Georgia could pursue to oppose this unconstitutional provision as well
39 as research the federal mandated health care provisions in H.R. 3590.

40 BE IT FURTHER RESOLVED that the members of this body ask the Attorney General of
41 Georgia to join with the other state attorneys general who have publicly stated they intend
42 to investigate and collectively and individually sue to challenge the legality of any national
43 health care legislation that contains either the Nebraska Compromise or the federal
44 single-payer mandate.

45 BE IT FURTHER RESOLVED that the members of this body request that the Attorney
46 General of Georgia report to this body regarding how the Attorney General intends to address
47 this constitutionally flawed legislation which will financially harm every Georgian and
48 advise the members of this body when and if the Attorney General intends to sue the federal
49 government on behalf of the people of this state.

50 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
51 to transmit an appropriate copy of this resolution to Attorney General Thurbert Baker and
52 Governor Sonny Perdue.